



## *COMMONWEALTH of VIRGINIA*

### *DEPARTMENT OF ENVIRONMENTAL QUALITY*

#### **AGREEMENT IN LIEU OF A STORMWATER MANAGEMENT PLAN**

#### **SINGLE-FAMILY DETACHED RESIDENTIAL STRUCTURE**

##### **Construction Activity Operator:**

Name: \_\_\_\_\_

Contact: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Email address (if available): \_\_\_\_\_

##### **Location of Single-Family Detached Residential Structure:**

Address (if no address description of location): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

County (if not located within a City): \_\_\_\_\_

In place of a Stormwater Management Plan for the construction of this single-family detached residential structure, I agree to comply with the requirements of this "Agreement in Lieu of a Stormwater Management Plan" (or other requirements as established by the Department when necessary) to ensure compliance with the applicable post-construction stormwater management provisions of the Virginia Stormwater Management Program (VSMP) Regulations.

##### **REQUIREMENTS**

- As required by the Construction General Permit (VAR10), a copy of this signed and dated "Agreement in Lieu of a Stormwater Management Plan" shall be maintained in my Stormwater Pollution Prevention Plan (SWPPP) for the construction activity.

- Post-construction runoff from the property shall be minimized to the maximum extent practicable and shall be controlled to prevent flooding or erosion damage from occurring on adjacent or downstream properties. In meeting this requirement, I agree to direct:
  - runoff from rooftops as non-erosive sheet flow to well-vegetated areas on the property to the maximum extent practicable,
  - runoff from on-lot impervious surfaces (e.g., driveways, parking areas, sidewalks) as non-erosive sheet flow to well-vegetated areas on the property to the maximum extent practicable, and
  - runoff from lawns as non-erosive sheet flow to undisturbed naturally-vegetated areas on the property to the maximum extent practicable.

I fully understand that not complying may result in the revocation of this "Agreement in Lieu of a Stormwater Management Plan" and that the submission of a project-specific Stormwater Management Plan in accordance with 9VAC25-870-55 of the VSMP Regulations may be required.

This "Agreement in Lieu of a Stormwater Management Plan" does not authorize land disturbance. Land-disturbing activities cannot begin until the applicable local Virginia Erosion and Sediment Control Program (VESCP) Authority provides authorization.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**(Please sign in INK. This certification must be signed by the operator of the construction activity identified above)**



## Who Must Apply for General Permit Coverage

Operators of construction activities resulting in land disturbance:

- equal to or greater than one acre; or
- less than one acre and are part of a larger common plan of development or sale that ultimately disturbs one or more acres

A common plan of development or sale is a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules. Permit coverage is required if one acre or greater of land will be disturbed, regardless of the size of the individually owned or developed sites. For example, if a developer buys a 20-acre lot and builds roads with the intention of building homes or other structures in the future, or if the land is parceled off or sold, and construction occurs on plots that are less than an acre by separate, independent builders, these activities would still be subject to stormwater permitting requirements. A larger common plan of development or sale applies to various types of land development including but not limited to residential, commercial or industrial use.

## Single-Family Detached Residential Structures

The submission of a registration statement and the development of a project-specific Stormwater Pollution Prevention Plan (including project-wide erosion and sediment control and stormwater management plans) are required for a residential common plan of development or sale. As single family detached residential properties are transferred to new owners or operators within a common plan of development or sale, the new owner or operator is automatically authorized to discharge under the general permit and is not required to submit a registration statement or the Department of Environmental Quality portion of the permit fee (additional fees to the local VSMP Authority may apply). Operators must comply with the terms and conditions of the general permit provided that they comply with the terms and conditions of the general permit including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) for each new single family detached residential structure. Please print the required information below:

**For permit coverage effective July 1, 2019 through June 30, 2024:**

- [2019 General VPDES Permit for Discharges of Stormwater from Construction Activities](#)
- [Single-Family Detached Residential Structure Coverage Letter](#)
- [Single-Family Stormwater Pollution Prevention Plan Template](#) (MS Word)
- [Single-Family Agreement in Lieu of a Stormwater Management Plan](#)

*Please note that single-family detached residential structures that disturb less than one acre of land and that are not part of a larger common plan of development or sale (e.g., subdivision); including additions or modifications to existing single-family detached residential structures, do not require coverage under the general permit. However, localities subject to the provisions of the Chesapeake Bay Preservation Act (§ [62.1-44.15:67](#) et seq.) may regulate these single-family residences where land disturbance is equal to or greater than 2,500 square feet.*

## Stormwater Pollution Prevention Plans (SWPPP)

The general permit requires that the construction activity operator obtaining permit coverage develop and implement a site specific SWPPP. The SWPPP must be prepared prior to submitting a registration statement for permit coverage to the VSMP Authority or DEQ. The SWPPP is to be retained at the construction site along with a copy of the general permit and general permit coverage letter. The permitted operator has the lead in developing, implementing and maintaining the SWPPP and committing the resources necessary to prevent pollution. The local VSMP Authority or DEQ staff may conduct site inspections for compliance with the general permit.

The SWPPP outlines the steps and techniques to reduce pollutants in the stormwater runoff from the construction site that the operator will take to comply with the terms and conditions of the permit, including water quality and quantity requirements that are consistent with the VSMP permit regulations. The SWPPP also specifies all potential pollutant sources that could enter stormwater leaving the construction site and covers methods used to reduce pollutants in stormwater runoff during and after construction. A complete list of SWPPP requirements is contained in Part II of the Construction General Permit.





## *VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY*

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
(804) 698-4000

July 1, 2019

TO: Any Operator constructing a Single-Family Detached Residential Structure

RE: Coverage under the 2019 VPDES Construction General Permit (VAR10)  
Construction of a Single-Family Detached Residential Structure  
Various locations throughout the Commonwealth of Virginia

Dear Permittee:

Any operator with a stormwater discharge associated with the construction of a single-family detached residential structure, within or outside a common plan of development or sale, is authorized to discharge under the General VPDES Permit for Discharges of Stormwater from Construction Activities (VAR10) and is not required to submit a registration statement or the Department of Environmental Quality portion of the permit fee provided that they comply with the terms and conditions of the general permit. The effective date of your coverage under this general permit is July 1, 2019 or the date of locality authorization to commence land disturbance, whichever is later. **The general permit will expire on June 30, 2024.**

A copy of the general permit can be obtained from DEQ's webpage at the following location:

<http://www.deq.virginia.gov/Portals/0/DEQ/Water/Publications/CGP2019.pdf>.

The general permit contains the applicable Stormwater Pollution Prevention Plan (SWPPP) requirements and other conditions of coverage. Please print the general permit and read it carefully as you will be responsible for compliance with all permit conditions.

If your activity discharges to a surface water that is impaired or designated as exceptional, please see below for additional requirements:

1. Does this proposed land-disturbing activity discharge to a surface water identified as impaired or for which a TMDL wasteload allocation has been established and approved prior to the term of the general permit for (i) sediment or a sediment-related parameter or (ii) nutrients? If YES, then the following general permit (Part I B 4 a) and SWPPP requirements (Part II B 5) must be implemented for the land-disturbing activity:
  - Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site;
  - Nutrients (e.g., fertilizers) shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events;
  - Inspections shall be conducted at a frequency of (i) at least once every four (4) business days or (ii) at least once every (5) business days and no later than 24 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 24 hours between business days, the inspection shall be conducted on the next business day; and
  - Representative inspections used by utility line installation, pipeline construction, or other similar linear construction activities shall inspect all outfalls.



2. Does this proposed land-disturbing activity discharge to a surface water identified as impaired or for which a TMDL wasteload allocation has been established and approved prior to the term of the general permit for polychlorinated biphenyl (PCB)? If YES, then the following general permit (Part I B 4 b) and SWPPP requirements (Part II B 6) must be implemented for the land-disturbing activity:
  - Implement an approved erosion and sediment control plan;
  - Dispose of PCB-contaminated materials in compliance with applicable state, federal, and local requirements to minimize the exposure of PCB-containing building materials;
  - Inspections shall be conducted at a frequency of (i) at least once every four (4) business days or (ii) at least once every (5) business days and no later than 24 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 24 hours between business days, the inspection shall be conducted on the next business day; and
  - Representative inspections used by utility line installation, pipeline construction, or other similar linear construction activities shall inspect all outfalls.
3. Does this proposed land-disturbing activity discharge to an exceptional water as identified in Section 30 of the Water Quality Standards, 9VAC 25-260? If YES, then the following general permit (Part I B 5) and SWPPP requirements (Part II B 7) must be implemented for the land-disturbing activity:
  - Permanent or temporary soil stabilization shall be applied to denuded areas within seven (7) days after final grade is reached on any portion of the site;
  - Nutrients (e.g., fertilizers) shall be applied in accordance with manufacturer's recommendations or an approved nutrient management plan and shall not be applied during rainfall events;
  - Inspections shall be conducted at a frequency of (i) at least once every four (4) business days or (ii) at least once every (5) business days and no later than 24 hours following a measurable storm event. In the event that a measurable storm event occurs when there are more than 24 hours between business days, the inspection shall be conducted on the next business day; and
  - Representative inspections used by utility line installation, pipeline construction, or other similar linear construction activities shall inspect all outfalls.

Any operator with an existing (i.e., previously permitted) stormwater discharge associated with the construction of a single-family detached residential structure, within or outside a common plan of development or sale, must update their SWPPP to incorporate the changes to the Construction General Permit effective July 1, 2019. Please update your SWPPP as soon as possible but no later than sixty (60) days from the date of this letter.

If you have any questions about this permit, please contact the DEQ Office of Stormwater Management at [ConstructionGP@deq.virginia.gov](mailto:ConstructionGP@deq.virginia.gov).

Sincerely,



Jaime B. Robb, Manager  
Office of Stormwater Management